6/6/88

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The Fifth Estate

RADIO TELEVISION CABLE SATELLITE

Broadcasting Jun 6

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Narrowing the gap on key issues of the day

Vol. 114 No. 23

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Supreme Court says no to must-carry review...page 88

BROADCASTING/CABLE INTERFACE II □ John Dingell warns cable it is in tenuous position, but safe for now; tells broadcasters it is fairness doctrine or nothing in House—**PAGE 28.** FCC Chairman Dennis Patrick says comparative renewal process "cries out for reform"—**PAGE 28.** NBC President Robert Wright calls for modification or scrapping of finsyn rules—**PAGE 29.** FCC Commissioner James Quello supports must carry; Sikes says FCC should set HDTV transmission standard—**PAGE 30.** Panel of broadcasters and cable operators offers hope for progress between two industries—**PAGE 31.** Industry trade association executives discuss issues dividing them—**PAGE 32.** TV technology experts tackle HDTV and beyond—**PAGE 33.** Lawyers make their cases for and against such issues as fairness doctrine, must carry and comparative renewal—**PAGE 33.** Tom Tauke criticizes broadcasters for cutting deal on children's TV bill—**PAGE 34.**

TIME FOR CHANGE □ Time Inc. announces high-ranking executive changes at ATC and HBO and move of ATC from Denver to New York area. One company official who has decided not to follow: ATC chairman and chief executive officer, Trygve Myhren. **PAGE 38.**

CBS SPLIT □ In effort to build stronger affiliate relations and marketing of network product, CBS separates those two areas. Anthony Malara becomes president of former and Thomas Leahy named president of marketing division. **PAGE 40.**

IN SEARCH OF EXCELLENCE □ This year's BPME/BDA seminar convenes in Los Angeles under banner: "Marketing and Design Excellence in a New Age of Broadcasting." **PAGE 44.**

CLOSING THE WINDOW □ Hoping to draw attention to video signal piracy, Warner Bros. Pictures "temporarily" withdraws from home dish pay-per-view distribution market. **PAGE 46.**

FRONT OFFICE □ As CTAM readies for its annual conference next month, President Margaret Durborow explains why association must "be out front" in bringing issues to attention of operators. **PAGE 48.**

AT THE CROSSROADS □ American Women in Radio and Television members face tough issues at group's annual convention in Pittsburgh this week. **PAGE 50.**

GETTING THE GOLD □ Rerun rights of NBC sitcom, *Golden Girls*, sold in New York, Philadelphia and San Francisco, are expected to bring syndicator Buena Vista about $45 million or more. **PAGE 57.**

BLUE CHIP ANALYST □ For top Merrill Lynch entertainment analyst, Hal Vogel, worrying about upsides and downsides of companies is all in day's work. **PAGE 87.**

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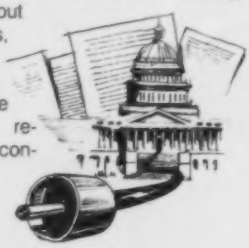
Cable Regulation

■ National Cable Television Association is trying to maintain status quo in cable regulation, much of which is based on Cable Act of 1984 and Copyright Act of 1976.

Motion picture industry and independent broadcasters, concerned that cable industry has become too big too fast, have been pushing for stricter regulation of cable until there is more competition in delivering cable programing to homes.

In speech last week, House Commerce Committee Chairman John Dingell (D-Mich.) warned cable industry to be on its best behavior or Congress may feel need to reevaluate regulatory environment (see "Top of the Week"). Dingell said members are hearing complaints about rate increases, channel shifting and poor customer service; he urged cable to respond to those concerns.



House Telecommunications Subcommittee cable oversight hearing May 11 (third hearing is expected in July) served as forum for discussion of cable's growing market power (BROADCASTING, May 16). Other than criticism from Hollywood and broadcaster witnesses, lawmakers seemed unpersuaded by arguments calling for reregulation. Cable industry has been under increased congressional scrutiny. At first hearing in March, Subcommittee Chairman Ed Markey (D-Mass.) announced he was asking Government Accounting Office to study cable rate increases.

Allegations that cable industry has been anticompetitive were subject of March hearing by Senator Howard Metzenbaum (D-Ohio), chairman of Senate Antitrust Subcommittee. Metzenbaum warned industry that unless situation changes he may offer legislation to curb what he sees as cable's growing anticompetitive behavior. Metzenbaum staffer said Senator would survey cable competitors to gain input before taking next move (BROADCASTING, May 2).

Cable and Hollywood executives are holding meetings to try to resolve differences, but whether talks will bear fruit is uncertain, according to latest reports (BROADCASTING, May 16).

FCC has adopted new rules that more narrowly define those television markets where, in accordance with Cable Act, rates of cable systems cannot be regulated because systems are subject to effective competition. FCC opened rulemaking in response to U.S. Court of Appeals, which upheld FCC's basic ruling that effective competition exists where three broadcast signals are available. But it said that definition of available was too broad.

Parameters of local cable regulation are also being reset outside Washington. Two federal judges in northern district of California, in decisions issued in September 1987, ruled cities' cable franchise provisions requiring cable operators to provide access channels and universal service and to build and maintain state-of-art cable systems violate cable operators' First Amendment rights.

BY THE NUMBERS

Summary of broadcasting and cable

BROADCASTING			
SERVICE	ON AIR	CP's	TOTAL *
Commercial AM	4,912	170	5,082
Commercial FM	4,058	418	4,476
Educational FM	1,324	173	1,497
■ Total Radio	10,294	761	11,055
FM translators	789	444	1,233
Commercial VHF TV	540	23	563
Commercial UHF TV	485	222	707
Educational VHF TV	119	3	122
Educational UHF TV	214	25	239
■ Total TV	1,358	273	1,631
VHF LPTV	102	74	176
UHF LPTV	267	138	405
■ Total LPTV	369	210	581
VHF translators	2,869	186	3,055
UHF translators	1,921	295	2,216
ITFS	250	114	364
Low-power auxiliary	824	0	824
TV auxiliary	7,430	205	7,635
UHF translator/boosters	6	0	6
Experimental TV	3	5	8
Remote pickup	12,338	53	12,391
Aural STL & intercity relay	2,836	166	3,002

CABLE†	
Total subscribers	45,000,000
Homes passed	71,500,000
Total systems	8,000
Household penetration†	51.1%
Pay cable penetration	28.6%

* Includes off-air licenses.

† Penetration percentages are of TV household universe of 88.6 million.

Children's Television

■ House Commerce Committee last month adopted—39 to 3—children's television bill that may go to House floor for vote this week. Bill is product of negotiations between Subcommittee Chairman Ed Markey and National Association of Broadcasters and proposes limits on commercial time in children's programs of 10½ minutes per hour on weekends and 12 minutes per hour on weekdays. Measure has undergone considerable revisions and excisions, among latter language that would have required broadcasters to air one hour per day of informational and educational programing and provisions aimed at curbing so-called program-length commercials. NAB says it won't fight bill but has reserved right to oppose any changes that might occur when Senate acts.

In response to U.S. Court of Appeals in Washington and petitions from Action for Children's Television, FCC launched broad inquiry into children's advertising. In its comments, ACT asked FCC to limit children's advertising to 9.5 minutes per hour and require two-year period before toys featured in programs can be promoted.

Comparative Renewal

With syndicated exclusivity behind it (see below), FCC is reportedly preparing to tackle reform of much maligned comparative renewal process. It is looking to clean up what are widely seen as abuses of process and to rewrite some of the comparative criteria. FCC Chairman Dennis Patrick has called for changes to curb use of process to force broadcasters into lucrative settlements and establish "clearly articulated standard" that, if met, would assure broadcasters "a reasonable expectation of renewal."

Stay Tuned

In production at **NBC** for telecast during the 1988-89 season are *Glitz* and *Bloody Friday* (working title). The latter, a Telecom Entertainment production, recounts events in Miami preceding a shoot-out with the FBI. Criminals Bill Matix and Mike Platt (played, respectively, by Michael Gross of NBC's *Family Ties* and David Soul, formerly of *Starsky and Hutch*) terrorize Miami, looting and killing indiscriminately. Dick Lowry directs, David Kappes produces and Michael Lepiner and Kenneth Kaufman are executive producers.

Milton T. Raynor is the executive producer. An affair with a call girl and her unexpected murder lead detective Vincent Mora to chase her killer, not realizing that the same killer is pursuing him, in *Glitz*, now in production. Emmy nominee Jimmy Smits of *L.A. Law* stars in the Robert Cooper Films Inc. production, directed by Sandor Stern. Steve McGlothen is the producer, with executive producers Gary Adelson, Robert Cooper and David Ginsberg.

Also in production is *Leave Her to Heaven*, a drama about a woman who will stop at nothing to possess the man she loves. Emmy award winner, Loni Anderson (*WKRP in Cincinnati*), stars as Ellen Berent who breaks off a marriage and pursues Richard Harland (Patrick Duffy of *Dallas*). Christian I. Nyby directs, John Newland produces.

□

Focusing on a week of news events in the summer of 1969 is *Try To Remember*, anchored by Charles Kuralt, which will air on **CBS** Thursday, June 23, at 8-9 pm. Among the events covered are the Woodstock rock festival; a seizure of political power by blacks in Greene County, Alabama; Hurricane Camille; the return of the Apollo XI astronauts from the moon, and the British army entering Northern Ireland. Kuralt looks at the impact these events have had in subsequent years. Robert Northshield is the executive producer.

Leap of Faith, currently in production in Los Angeles for CBS, will star Anne Archer (Academy Award nominee for "Fatal Attraction") and Sam Neil. It is the story of attempts by a woman with a potentially fatal disease to cure it by spiritual means. It is a Hart, Thomas & Berlin production. Ira Marvin is producing, and Stephen Gyllenhaal is directing. Executive producers are Marlo Thomas, Carole Hart and Kathie Berlin.

Conflicts between white farmers and Indians over Minnesota land ensue as Guy Pehrsson, a California businessman, returns to his family's farm in *Red Earth, White Earth*, a TV drama now in production by Chris Rose Productions and Viacom International. Two-time Emmy Award winner, David Greene, will direct.

Under the working title *The Great Diamond Robbery*, a motion picture for television, is starting production this month in Los Angeles. Howard Hesseman, Brooke Shields, Ed Marinaro and Twiggy star. Hesseman and Marinaro are cast as New York City detectives investigating the disappearance of $12 million in jewels. Shields is a suspect, and Twiggy plays a Scotland Yard detective. The work is to be directed by Don Taylor; Jay Bernstein is the executive producer for Jay Bernstein Productions in association with Columbia Pictures Television.

□

We Are Family, which airs Tuesday, June 21, at 10 p.m. on **Public Broadcasting Service** stations, examines gay parenting through the portrayal of three families—a foster family, a biological family and an adoptive family. The piece raises the issues of the mental and emotional health of children raised in such families as compared with heterosexual families. *We Are Family* was produced by noncommercial WGBH-TV Boston and Aimee Sands Productions. Aimee Sands is the producer and writer of the program.

Dear Comrades: A 'Channel 3, Moscow' Special, which airs Wednesday, June 22, at 8:30 p.m. to 9:30 p.m. (NYT), offers a Soviet perspective on the American presidential campaign. Soviet reporter Vladimir Dounaev went to Iowa in February for the caucuses. *Dear Comrades* is produced by noncommercial KTCA-TV St. Paul. The executive producer is Bill Hanley.

Cliff Robertson plays 10 of the 55 men who struggled to create the Constitution of the United States in *Ghosts of '87*, a noncommercial WHYY-TV Philadelphia production airing on Sunday June 26, at 10 p.m. A one-man performance taped before a live audience at Independence Hall in Philadelphia, *Ghosts* was produced, directed and written by Emmy award winner Jim Krayer. Also airing Sunday June 26 at 8-9 p.m. is the premiere program of *National Audubon Society Specials*' new season. *Grizzly & Man: Uneasy Truce*, narrated by actor Robert Redford, traces the North American grizzly bear from encounters with the American settlers to its present threat of extinction. Two years in the making, *Grizzly* is a co-production of the National Audubon Society, Turner Broadcasting System and noncommercial WETA-TV Washington.

The *Summer Night Music* series, premiering Saturday, July 2, from 9 p.m. to 10:30 p.m., brings to noncommercial TV six musical performance documentaries—portraits of Ruben Blades, Al Green, Sonny Rollins, Gil Scott-Heron and the bands of Jamaica and Hawaii. The series of films was produced and directed by Robert Mugge for Britain's Channel 4 television. The series is presented by noncommercial WKNO-TV Memphis.

Airing Sunday, July 3 from 10 p.m. to 11 p.m., *Dreams Along the Little Big Horn* explores the meaning of the battle of the Little Big Horn. Interviews with Indians who descended from warriors of the battle are included in the program. Shot on location at the Custer Battlefield, nearby Indian reservations and the Buffalo Bill Historical Center, *Dreams* was produced by noncommercial KUED(TV) Salt Lake City. The executive producer is Allyson Beecher Smith. The producer-director-writer is James Nelson. Funding for the piece was provided by the Herbert I. and Elsa B. Michael Foundation.

□

The *South Bank* series on **Bravo** profiles writers Gore Vidal, Toni Morrison, Saul Bellow and Paul Bowles. Included are segments with Gore Vidal discussing his ambition to be U.S. President and an interview with the 77-year-old Bowles in the settings of his novels—Tangiers, Fez, and the Sahara.

Producers' boxscore

For the second season in a row, Lorimar will reign as the top producer of prime time programing for ABC-TV, CBS-TV and NBC-TV. The three commercial broadcast networks will return seven Lorimar shows and premiere two others, down a half-hour from fall 1987. Lorimar's casualties from last season are *Our House, Aaron's Way, The Slap Maxwell Story* and *Max Headroom*. Two producers that made significant headway this fall were MGM/UA with an additional two-and-a-half hours for 1988-89 and GTG Entertainment, founded by Grant Tinker, which will have two hours of its product on the air this season. This is the first season that the Tinker/Gannett collaboration has sold programing to the networks.

	Fall '88 hours	*Fall '87 hours*	*Change*		*Fall '88 hours*	*Fall '87 hours*	*Change*
Lorimar	7.0	7.5	-0.5	**Carsey-Werner**	1.5	1.0	+0.5
Universal	6.5	7.0	-0.5	**Cosgrove-Meurer Prods.**	1.0	0.0	+1.0
Warner Bros.	3.5	4.0	-0.5	**Viacom**	1.0	2.5	-1.5
New World	3.5	4.5	-1.0	**ABC Circle Films**	1.0	1.0	NC
MGM/UA	3.5	1.0	+2.5	**Alan Landsburg Prods.**	1.0	0.0	+1.0
Paramount	3.0	2.0	+1.0	**ABC News**	1.0	1.0	NC
Stephen J. Cannell	3.0	3.0	NC	**Witt-Thomas**	1.0	1.0	NC
CBS News	3.0	2.0	+1.0	**Carson Prods.**	0.5	0.5	NC
Columbia	2.5	4.0	-1.5	**Vestron**	0.5	0.0	+0.5
Disney/Touchstone	2.0	2.5	-0.5	**Tri-Star Television**	0.0	1.5	-1.5
20th Century Fox	2.0	2.5	-0.5	**Reeves Entertainment**	0.0	1.0	-1.0
MTM	2.0	1.5	+0.5	**Michael Landon Prods.**	0.0	1.0	-1.0
GTG Entertainment	2.0	0.0	+2.0	**Orion**	0.0	1.0	-1.0
Aaron Spelling	2.0	2.0	NC	**Sandollar Prods.**	0.0	1.0	-1.0
ABC Sports	2.0	2.0	NC				

Race of the week: NBC wins, CBS places

Nielsen		Net		AGB	Nielsen		Net		AGB
1.	20.6/36	N Cheers	2.	19.7/35	35.	10.5/18	C Equalizer	38.	10.3/17
2.	19.7/36	N Different World	4.	18.5/35	36.	10.4/17	A Moonlighting	41.	10.0/16
3.	18.9/37	N Cosby Show	3.	19.5/38	37.	10.1/20	N NBC Sunday Movie	35.	10.4/20
4.	18.6/32	N Night Court	5.	17.8/31	38.	10.0/25	N Facts of Life	37.	10.4/25
5.	17.6/27	A ABC Monday Movie	6.	17.2/27	39.	9.9/20	A Mr. Belvedere	42.	10.0/20
6.	17.4/31	N L.A. Law	14.	14.7/27	40.	9.9/19	A 20/20	39.	10.3/20
7.	17.0/29	N St. Elsewhere	10.	15.7/27	41.	9.8/17	C It's Magic, Charlie Brown	40.	10.0/16
8.	16.7/36	N Golden Girls	1.	19.9/42	42.	9.6/17	C Smothers Brothers	43.	9.9/17
9.	15.6/24	C Miss Universe Pageant	9.	16.1/25	43.	9.6/19	C Irving Berlin's 100th	36.	10.4/20
10.	15.5/27	A Who's the Boss? Special	12.	14.9/24	44.	9.6/17	C CBS Special Movie, Thurs.	46.	9.3/17
11.	15.4/26	N NBC Tuesday Movie	7.	17.1/29	45.	9.6/16	N Days, Nights of M. Dodd	45.	9.7/16
12.	15.1/28	A Who's the Boss?	20.	13.8/24	46.	9.3/16	A Thirtysomething	56.	7.4/13
13.	15.1/27	N ALF	15.	14.5/26	47.	9.2/19	A Full House	47.	9.1/19
14.	14.9/31	N Amen	8.	16.5/34	48.	9.2/17	C Bugs Bunny Mystery	44.	9.8/17
15.	14.2/28	C CBS Sunday Movie	11.	15.0/29	49.	8.8/17	A I Married Dora	50.	8.7/17
16.	13.8/26	A Growing Pains	16.	14.5/26	50.	8.7/19	A Spenser: For Hire	59.	7.0/15
17.	13.8/30	C Murder, She Wrote	17.	14.4/31	51.	8.7/16	C 48 Hours	55.	7.4/14
18.	13.8/23	N Valerie's Family	23.	13.3/22	52.	8.6/17	A ABC Sunday Movie	48.	9.0/18
19.	13.7/24	A Head of the Class	18.	14.4/25	53.	8.6/20	A Perfect Strangers	51.	8.6/20
20.	13.7/29	N Hunter	19.	14.2/30	54.	8.5/17	N Sonny Spoon Detective	54.	7.6/15
21.	13.6/24	N Matlock	13.	14.9/25	55.	7.7/17	N Day by Day	53.	7.9/17
22.	13.5/33	C 60 Minutes	22.	13.3/33	56.	7.7/17	N Family Ties	49.	8.8/20
23.	13.1/22	C CBS Tuesday Movie	24.	13.2/22	57.	7.4/16	C Beauty and the Beast	60.	6.9/15
24.	12.8/22	A Hooperman	25.	12.7/22	58.	7.3/16	N Best of TV Bloopers	52.	8.5/19
25.	12.8/20	N NBC Monday Movie	27.	12.3/19	59.	7.2/17	A Disney Sunday Movie	62.	6.0/14
26.	12.5/21	A Royal Gala Special	26.	12.4/21	60.	7.0/15	C West 57th	57.	7.4/15
27.	12.5/21	C Jake and the Fatman	33.	11.2/19	61.	6.9/15	C Tour of Duty	61.	6.1/13
28.	12.5/22	N Aaron's Way	29.	11.9/21	62.	6.2/13	A Ohara	67.	4.6/10
29.	11.9/19	N Cheers Special	32.	11.2/18	63.	6.0/10	A Hotel	63.	5.9/10
30.	11.9/23	N Miami Vice	31.	11.3/22	64.	6.0/15	C High Mountain Rangers	65.	5.2/12
31.	11.5/20	A MacGyver	34.	10.9/19	65.	5.3/10	A Probe	66.	5.2/10
32.	11.4/27	N 227	21.	13.4/31	66.	5.3/13	N Our House	58.	7.3/18
33.	11.2/19	C Designing Women	30.	11.8/20	67.	5.0/12	A Juarez *	68.	4.0/9
34.	10.8/19	C Kate and Allie	28.	11.9/21	68.	4.7/8	A Omnibus	64.	5.4/10

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Cablecastings

View from 'Vremya'

The Discovery Channel aired substantial portions of the Soviet nightly newscast, *Vremya*, last week, providing American viewers with what Soviet citizens were told about the Reagan-Gorbachev summit.

Except for a few minor glitches, the carriage of *Vremya* went well, according to Discovery officials. "I'm very pleased," said the producer, Tim Cowling, last week after the first three days of *As They See It: The Soviet Nightly News*, which was seen on Discovery from 9 p.m. to 10 p.m. last Sunday through Thursday (May 29-June 2).

Discovery had to make minor adjustments to receive the satellite feed from Moscow in the U.S. Because of conversion difficulties from SECAM (the television standard in the Soviet Union) to the U.S. NTSC standard, Discovery had to send the *Vremya* signal through England. Brightstar Communications in London handled the transmissions, sending Sunday's (May 29) program up to a Comsat bird and down to the Washington International Teleport, where it was microwaved to Atlantic Video, which was doing the production for the Discovery Channel. WIT was committed to French Open tennis coverage for the rest of the week, so Discovery switched to Visnews in

L-r: Abraham Brumberg, a Russian scholar at Johns Hopkins University; Daniloff, and Carter.